

TUNE, ENTREKIN & WHITE, P.C.

ATTORNEYS AT LAW

THOMAS V. WHITE
JOHN W. NELLEY, JR.
THOMAS C. SCOTT
PETER J. STRIANSE
HUGH W. ENTREKIN
BEN H. CANTRELL *
JOHN P. WILLIAMS *
LESA HARTLEY SKONEY
JOSEPH P. RUSNAK
TODD E. PANTHER
SHAWN R. HENRY
T. CHAD WHITE
STEPHEN A. LUND

REGIONS CENTER
SUITE 1700
315 DEADERICK STREET
NASHVILLE, TENNESSEE 37238

TEL (615) 244-2770 FAX (615) 244-2778

JOHN C. TUNE
1931-1983

ERVIN M. ENTREKIN
1927-1990

Of Counsel
JOHN D. FITZGERALD, JR.
* Rule 31 listed General Civil Mediator

May 21, 2008

Appeal of Enforcement Order, TDEC-OGC
20th Floor L & C Tower
401 Church Street
Nashville, TN 37243-1548

RECEIVED
MAY 23 2008

DEPT OF ENVIRONMENT AND CONSERVATION
OFFICE OF GENERAL COUNSEL

RE: Case No. WPC08-0077
Richmond Hill Development, Inc.

Dear TDEC Office of General Counsel:

The purpose of this letter is to secure review of the Director's Order and Assessment (Order) that was issued in connection with Richmond Hill Development, Inc. (Richmond Hill Development). This law firm represents Richmond Hill Development. Richmond Hill Development is requesting a hearing before the Water Quality Control Board. Michael Smith, the owner representative of Richmond Hill, did not receive the Order and Assessment until April 25, 2008. Therefore, this written petition for review is timely.

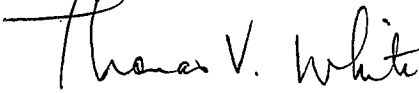
The following are our contentions:

- 1) The loans relating to the Richmond Hill Development property (site) are currently in foreclosure.
- 2) Mr. Smith and a representative for the bank that is in the process of foreclosing said loans met recently on the site with an environmental consultant. The consultant stated that Richmond Hill's actions on the site have partially contributed to the damage referred to in the Order. However, the consultant found that two other parties have contributed to the damage referred to in the Order. First, there is upstream damage in the unnamed tributary to the Coleman river, thought to be caused by the Arden Village Development. Second, there is damage in the stream that is thought to be caused by the installation of a sewer line by Sterling Marlin.
- 3) Since the Order was inaccurate in the damages assessment, especially considering the two other purported sources of the damages that the Order failed to recognize,

TUNE, ENTREKIN & WHITE, P.C.

it should be reviewed. Therefore, we request a hearing before the Water Quality Control Board.

Sincerely,

A handwritten signature in cursive script that reads "Thomas V. White". The signature is written in dark ink and is positioned below the word "Sincerely,".

Thomas V. White

Cc: Michael Smith